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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,479	08/26/2003	Thomas C. Stephens	32513/288294	5379

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EXAMINER

UPTON, CHRISTOPHER

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,479

Applicant(s)

STEPHENS, THOMAS C.

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 6, 7, 9, 10, 12, 17-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Leckner et al.

Leckner discloses a geotextile container supported within a reservoir for collecting the liquid, as claimed. With respect to claims 3, 4 and 22 it is submitted that the chute 25 comprises a pipe for controlling the flow.

3. Claims 1, 3, 4, 6, 7, 9-12, 15, 17-19, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urriola in view of Wilhelmson.

Urriola discloses a geotextile container for separating solids from liquids, substantially as claimed. While Urriola does not disclose a liquid reservoir for collecting the filtered liquid, such a reservoir in a similar system is known, as exemplified by Wilhelmson. It would therefore have been obvious for one skilled in the art to add such a reservoir for collecting liquid to the device of Urriola, if it is desired to collect the liquid for further treatment rather than discharge it directly.

4. Claims 2, 13, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leckner or Urriola as applied to claims 1 and 17 and further in view of Lloyd.

Claims 2 and 25 differ from Leckner and Urriola in recitation of a waste receiver for collecting the waste, while claims 13 and 20 recite a second geotextile container in series with the first. It is known to collect a waste prior to filtration and to filter the filtrate from a first filter, as exemplified by Lloyd. It would therefore have been obvious for one skilled in the art to add a collector for the waste prior to filtration, to provide for flow equalization, and to use a series of filtration steps, to improve the quality of the effluent.

5. Claims 5, 8, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leckner or Urriola as applied to claims 1 and 17 above, and further in view of Bergh.

Claim 5 differs from Leckner and Urriola in recitation of a valve, while claim 8 recites inner and outer layers of material, and claims 14 and 21 recite at least two

containers with simultaneous feed into the containers. It is known to provide a plurality of multi-layer filters with valve control, as exemplified by Bergh. It would therefore have been obvious for one skilled in the art to use such a multi-layer filter system in the devices of Leckner or Urriola, to strengthen the filters, and to use multiple filters with valve control, to increase the capacity with increased flow.

6. Claims 15 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Keller et al or Allard et al.

Keller and Allard disclose self-supported geotextile filtering containers, as claimed. Note that, while the filing dates of Keller and Allard are after the applicant's priority date, the priority documents do not provide basis for the recitation of self-supporting geotextile containers, and therefore the filing date for this recitation is considered to be that of the instant CIP application.

7. Claims 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al in view of Pohoreski, Tono or Haase.

Keller discloses a geotextile container for separating solids from liquids, with the addition of a flocculating polymer, substantially as claimed. Keller does not disclose that the polymer is of the opposite charge as another conditioning additive. It is known to use combinations of additives of different charges for flocculation, as exemplified by Pohoreski, Tono and Haase. It would therefore have been obvious for one skilled in the art to use such a combination of additives in the system of Keller, to improve coagulation and flocculation.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

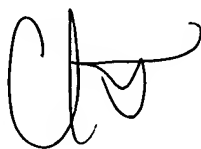
Claim 5 lacks antecedent basis for the regulator. It appears that the claim should depend from claim 4.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references of interest include Singleton, Frankl and Seckler.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Upton whose telephone number is 571-272-1169. The examiner can normally be reached on 7:30-5:00, off every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'CU' with a stylized flourish.

Christopher Upton
Primary Examiner
Art Unit 1724